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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,580	06/12/2001	Naosumi Tada	DKT00126	4790

7590 06/30/2005

BorgWarner Inc.
 Patent Administrator
 3850 Hamlin Road
 Auburn Hills, MI 48326-2872

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/879,580	Applicant(s) TADA, NAOSUMI	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 7-12 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-6 and 13-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to the amendment filed 3-25-2005, which has been entered.

Claims 1-18 are currently pending

Claim Rejections - 35 USC § 103

1. Claims 1, 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Baddaria and Shimaya et al.(5,184,982). Young discloses the claimed invention, including a tensioner comprising a base (24), a blade shoe having first face in slidable contact with a chain, an opposing second face freely slidable on the base relative to the base, a spring (40) disposed in the second face. Young does not disclose that the blade spring comprises a plurality of springs. Baddaria discloses a blade tensioner comprising a base (46) with a sliding face, a blade shoe (32) with a blade spring for applying a biasing force to the shoe and a first chain sliding face and a second opposing face, a first blade shoe portion (30) pivotally supported by the base (46), a second blade shoe portion (30) freely slidable relative to the base. Baddaria also discloses a blade shoe (see fig. 7) comprising a plurality of springs in order to allow the shoe to deform more arcuately due to friction caused by the chain (col. 1, lines15-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shoe of Young to include a plurality of springs in view of Baddaria in order to allow the shoe to deform more arcuately as the shoe is heated due to the friction by the chain. In addition, Young does not disclose a friction surface between the second blade shoe portion and the sliding face of the base. It is well known in the art to insert a friction material between two sliding surfaces so as

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to prevent friction and consequently wear. Shimaya et al. discloses a tension comprising an base/shoe combination and a friction surface (30) between the free end of the shoe and the end of the base so that the free end of the shoe is in sliding contact with the sliding surface of the pad (30) to significantly reduce wear and tear due to vibration, provides for more reliable operation and extend the useful life of the tensioner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the blade shoe of Young so as to include friction surface in view of Shimaya et al. in order to significantly reduce wear and tear due to vibration, provides for more reliable operation and extend the useful life of the tensioner

Regarding claim 5, would have been obvious to one of ordinary skill in the art to attached the friction surface by bonding, welding or coating, since it is old and well known in the art to such joining process as a matter of design choice.

In claim 6, discloses that the friction surface is made from synthetic resin.

In claims 13-14, the method steps are inherently included in the manufacturing of Young in view of Baddaria and Shimaya et al. device.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5-6 and have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 3-15-2005 regarding claim 13 have been fully considered but they are not persuasive. Applicant contended that Shimaya does not disclose the pad is sufficient to damp vibration. It should be noted that Shmaya clearly discloses the invention significantly reduces wear and tear due to vibration (col. 4, lines

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48-51). In order to significantly reduce wear and tear due to vibration, the pad must be able to inherently damp the vibration. As can be seen in fig. 7, the pad is made from an elastomeric material, which is an inherently damping material. Therefore, the rejection is deemed proper.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
June 5, 2005